HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21951 of 2004

Dated:24.08.2007

Between:

Kunju Krishnan Jayan and others.

…Petitioners.

and

The Mandal Revenue Officer.

…Respondent.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21951 of 2004

ORDER:

The petitioners' vendor, by name Jalligampala Appa Rao, is allegedly an Ex-serviceman. He was allegedly assigned land admeasuring Acs.5.00 in survey No.355/part under D-Form patta, dated 08.06.1978. The petitioners purchased the said land under registered sale deeds, dated 13.11.1995. They are allegedly in possession of the land. It is further alleged that they made applications for grant of pattadar pass books, but the respondent by proceedings, dated 08.11.2004, returned the applications refusing to issue the same. Therefore, the present Writ Petition is filed seeking a direction to the respondent to issue pattadar pass books in their favour in respect of the land in survey No.355/9 admeasuring Acs.5.00.

In the counter-affidavit filed by the Mandal Revenue Officer, Visakhapatnam, it is stated that the subject land is a Government land and it was not assigned to any person and therefore, the petitioners are not entitled for issuance of pattadar pass books.

After hearing learned Counsel for the petitioner, learned Assistant Government Pleader for Revenue (Assignment) and learned Counsel appearing for Visakhapatnam Urban Development Authority (VUDA), this Court is of considered opinion that disputed questions of fact would arise in this case as to whether the land was assigned to vendor of petitioner as alleged, whether the land was assigned to other persons and whether the land was handed over to VUDA for the

purpose of development of township. In similar writ petitions, being W.P.Nos.791 and 2056 of 2005, this Court considered the contention of the learned Assistant Government Pleader that the pattas produced by the petitioners are not genuine and they are forged and fabricated one. This Court took a view that an enquiry is necessary into this aspect. Accordingly, this Court disposed of the writ petitions directing the Mandal Revenue Officer to conduct enquiry.

Following the judgment in W.P.No.791 of 2005, dated 14.12.2006, this Writ Petition is also disposed of directing the Mandal Revenue Officer, Visakhapatnam, to conduct a detailed enquiry into the assignments made in favour of the Ex-serviceman. If it is ultimately found that the D-Form pattas are fabricated and forged, appropriate action shall be taken against all those responsible for such fabrication of forged D-Form pattas and the petitioner cannot be evicted, unless appropriate due process of law is followed under the provisions of the Andhra Pradesh Land Encroachment Act, 1905. In case, it is found that the D-Form pattas granted are genuine, it shall always be open to the Government to resume the land after paying the compensation. This Court also observes that the Mandal Revenue Officer shall conduct enquiry within a period of three months from the date of receipt of a copy of this order, as directed hereinabove. No costs.

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(V.V.S.RAO, J)

24.08.2007

GJ